

IN THE CIRCUIT COURT OF HANCOCK COUNTY, MISSISSIPPI

HAROLD MARSHALL

PLAINTIFF

VS.

CAUSE NO.: 22-0079

**LANDSTAR RANGER, INC. AND
JOSEPH ANTHONY ARNONE**

DEFENDANTS

COMPLAINT

NOW INTO COURT, comes Plaintiff, Harold Marshall, through undersigned counsel, files this Complaint against the Defendants, Landstar Ranger, Inc. ("Landstar") and Joseph Anthony Arnone ("Arnone") as follows:

JURISDICTION AND VENUE

1.

Plaintiff, Harold Marshall, is an adult resident citizen of Louisiana.

2.

Defendant, Arnone, on information and belief is a resident of Alabama who may be served pursuant to the Mississippi Rules of Civil Procedure.

3.

Defendant, Landstar, on information and belief, is a Florida corporation, licensed to do and doing business in the state of Mississippi, who may be served pursuant to the Mississippi Rules of Civil Procedure.

4.

This cause of action occurred or accrued in Hancock County, Mississippi; and pursuant to the provisions Miss. Code Ann. § 11-11-3, as amended, venue is proper in this Court.

FILED

MAY 20 2022

**KENDRA NECAISE
CIRCUIT CLERK HANCOCK CO.**

BY [Signature] D.C.

FACTS

5.

On March 10, 2022, at about 2:05 p.m., Harold Marshall was driving a 2018 Freightliner tractor with trailer, westbound on I-10, near the 2-mile mark approaching the state of Louisiana in rural Hancock County, Mississippi.

6.

At the same time and place, Defendant, Arnone, was driving a 2007 Kenworth tractor with trailer, under the operating authority of Landstar, which was also driving westbound on I-10 near the 2-mile mark approaching the state of Louisiana in rural Hancock County, Mississippi.

7.

Suddenly and without warning, Defendant, Arnone's tractor trailer rear-ended the Plaintiff's tractor trailer resulting in a violent collision.

8.

The collision caused severe and painful injuries to the Plaintiff.

9.

On information and belief, at all relevant times herein, Defendant, Arnone, was acting in the course and scope of his employment, agency or as part of a joint venture or otherwise for the mutual benefit of himself, and Landstar. Under the theories of respondeat superior, joint venture and/or agency all are responsible for the collision and damages resulting thereto.

NEGLIGENCE, GROSS NEGLIGENCE AND CAUSATION

10.

The allegations of the preceding paragraphs are incorporated by reference.

11.

The collision sued on herein was the fault of, and proximately caused by the negligence of Defendant, Arnone and Landstar

- a. By failing to maintain a safe following distance in violation of Miss. Code Ann. Sec. § 63-3-619 *et. seq.*;
- b. On information and belief, in operating a vehicle while physically exhausted in violation of state law, federal regulations and company standards;
- c. By failing to maintain reasonable and proper control of said vehicle upon a public road;
- d. In operating the vehicle under their control in an improper, unsafe, negligent and grossly negligent manner;
- e. By failing to see what should have been seen;
- f. On information and belief, in violating the Federal Trucking Regulations *inter alia*: as they non-exclusively relate to hours of operation, out of service, logging, condition of vehicle, condition of driver, qualifications, training and/or supervision;
- g. Negligently and/or grossly negligently hiring, training and/or retaining;
- h. In violating the Revised Statutes of the State of Mississippi, all of which are pled as if copied herein in extenso; and
- i. All other acts of negligence and/or gross negligence which were the cause of a collision sued upon and will be shown at the trial of this matter.

12.

That as a direct and proximate result of the individual, concurrent and/or cumulative acts of negligence and/or gross negligence pled herein, Harold Marshall has suffered serious injuries to his spine including his head, neck and back with radiating pain as well as new injuries and aggravations of pre-existing conditions, if any.

13.

Because of the acts of negligence, negligence per-se and gross negligence pled, Harold Marshall has suffered these damages: bills for medical treatment, past and future; physical pain

and suffering, past and future; mental and emotional distress, including loss of enjoyment of life, past and future; loss of wages and wage-earning opportunity, past and future; likely permanent scarring/disfigurement and disability.

14.

Further, Plaintiff would show that the Defendants' actions individually and collectively evidence a willful wanton or reckless disregard for the safety of the public establishing gross negligence. Besides compensatory damages, Plaintiff pleads and seeks damages to punish the Defendants and to serve as an example to others in an amount to be determined by the jury.

WHEREFORE, your Plaintiff, Harold Marshall prays that Defendants be served with a copy of this Complaint, and after being duly cited to appear and answer hereto, and after the expiration of all legal delays and due proceedings are had, that there be judgments rendered herein in favor of Plaintiff and against Defendants, as alleged, together with legal interest at the rate of 8% from the time of judgment until paid, and for all costs of these proceedings, attorney's fees and expenses; punitive damages; and for all other legal and equitable relief this Honorable Court shall deem appropriate.

RESPECTFULLY SUBMITTED, this the 19th day of May, 2022.

ATTORNEY FOR THE PLAINTIFF

MORRIS BART, LTD.
1712 15TH STREET, SUITE 300
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TELEPHONE: (228) 276-0308

BY:


KENNETH M. ALTMAN, MSB #9936

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May 19, 2022

Hancock County Circuit Court Clerk
152 Main Street, Suite B
Bay St. Louis, MS 39520

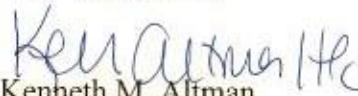
RE: Harold Marshall v. Arnone, et al.

Dear Sir/Madam:

Enclosed please find a Civil Cover Sheet, an original and one copy of the Summons, Return, and Complaint, in the above-referenced matter. I respectfully request that you file these documents with the court. In addition, I am enclosing our firm's check in the amount of \$161.00, made payable to the Clerk of Court to cover the cost of filing. I appreciate your patience and cooperation.

With kind regards, I remain

Very truly yours,


Kenneth M. Altman
KMA/tlc

Enclosures: Orig. & 1 copy of the Complaint
Orig. & 1 copy of Summons & Return for each defendant
Civil Cover Sheet
Firm Check No: 145398

Cc: Harold Marshall

*Morris Bart, LA
Kenneth Altman, MS, LA, FL, AL
Terry B. Loup, MS, LA, TX
Craig A. Gentry, MS, LA
Jason Ruiz, MS
Scott Bishop, MS
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Ryan Canon, MS, AL
Melinda Parks, MS, AL
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Dale Long, MS

OF COUNSEL

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EXHIBIT "A"

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FEE BILL, CIVIL CASES, CIRCUIT COURT

State of Mississippi
Hancock County

HAROLD MARSHALL VS LANDSTAR RANGER INC AND JOSEPH ARNONE

Case # 22-0079	Acct #	Paid By CHECK 145398	Rct# 35156

	CLERK'S FEES	85.00	
	JURY TAX	3.00	
	COURT REPORTERS FEE	10.00	
	LAW LIBRARY	2.50	
	COURT ADMINISTRATOR	2.00	
	STATE CT ED FUND	2.00	
	COURT CONSTITUENTS	.50	
	ELECTRONIC COURT	10.00	
	LEGAL ASSISTANCE	5.00	
	JUDICIAL FUND-JUDGE RAISE	40.00	
	ARCHIVE FEE	1.00	


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Total \$ 161.00

Payment received from MORRIS BART, LTD
1712 15TH ST

GULFPORT MS 39501

Transaction 52414 Received 5/20/2022 at 13:45 Drawer 1 I.D. GPOYADOU

Current Balance Due \$0.00 Receipt Amount \$ 161.00

By  D.C. KENDRA NECAISE, Circuit Clerk

Case # 22-0079	Acct #	Paid By CHECK 145398	Rct# 35156
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EXHIBIT "A"